

1 PHILLIP A. TALBERT
Acting United States Attorney
2 PETER K. THOMPSON
Acting Regional Chief Counsel
3 DANIEL P. TALBERT
Special Assistant United States Attorney
4 Social Security Administration
160 Spear Street, Suite 800
5 San Francisco, CA 94105
Telephone: (510) 970-4860
6 Facsimile: (415) 744-0134
Attorneys for Defendant
7
8
9

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION
13

14
15 JAMES ROBERTSON,
16 Plaintiff,
17 v.
18 KILOLO KIJAKAZI,
19 Acting Commissioner of Social Security,
20 Defendant.
21

No. 1:20-cv-01332-BAM

STIPULATION AND PROPOSED ORDER FOR
EXTENSION TO FILE DEFENDANT'S
RESPONSE TO PLAINTIFF'S BRIEF

22 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social
23 Security (the "Commissioner"), shall have an extension of time to file her opposition in this case.
24 In support of this request, the Commissioner respectfully states as follows:

- 25 1. Primary responsibility for handling this case has been delegated to the Office of
26 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").
27 2. Defendant's response to Plaintiff's opening brief is currently due December 22,
28 2021. Defendant has not previously requested an extension of time for this deadline.

1 3. The Region IX Office currently handles all district and circuit court litigation
2 involving the Social Security program arising in Arizona, California, Hawai'i, Nevada, and
3 Guam.

4 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively
5 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.
6 Most of the attorneys who handle program litigation cases have additional responsibilities, such
7 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the
8 work product of junior attorneys, conducting trainings, and participating in national workgroups.
9 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has
10 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-
11 assigned cases into their existing caseloads.

12 5. In addition to "program" litigation, the Region IX Office provides a full range of
13 legal services as counsel for the Social Security Administration, in a region that covers four
14 states (including the most populous state in the nation) and three territories. These other
15 workloads include employment litigation; civil rights investigations; bankruptcy matters; and
16 requests for legal advice on wide-ranging topics, including Regional office client requests for
17 advice on program issues, employee conduct and performance, reasonable accommodation,
18 hostile work environment, ethics, Privacy Act and disclosure, and torts. Because of the high
19 volume of program litigation cases, the Region IX Office has had to focus its efforts on
20 processing only other workloads that are subject to statutory, regulatory, and court deadlines.

21 6. The undersigned attorney has eleven briefs due in district court cases over the
22 next thirty days. The undersigned attorney for Defendant is also responsible for reviewing the
23 work of two new attorneys in the Region IX Office. In addition, the undersigned attorney will be
24 out of the office on pre-approved annual leave from December 20, 2021, until January 3, 2022.

25 7. Due to the volume of the overall workload within the Region IX Office, neither
26 the undersigned attorney nor another attorney in the Region IX Office anticipate being able to
27 complete briefing by the current due date of December 22, 2021. Therefore, Defendant seeks an
28

1 extension of 30 days, until January 21, 2022, to respond to Plaintiff's opening brief.

2 8. This request is made in good faith and is not intended to delay the proceedings in
3 this matter.

4 WHEREFORE, Defendant requests until January 21, 2022, to file her response.

5
6 Respectfully submitted,

7
8 DATE: December 17, 2021

/s/ Meghan Lambert
MEGHAN LAMBERT
Attorney for Plaintiff
(as approved via email)

11 PHILLIP A. TALBERT
12 Acting United States Attorney

13 DATE: December 17, 2021

By */s/ Daniel P. Talbert*
DANIEL P. TALBERT
Special Assistant United States Attorney

15 Attorneys for Defendant

16 **ORDER**

17
18 Pursuant to the parties' request, and for good cause shown, IT IS SO ORDERED that
19 Defendant shall have an extension, up to and including January 21, 2022, to respond to Plaintiff's
20 Opening Brief. All other dates in the Court's Scheduling Order (Doc. No. 5.) shall be extended
21 accordingly.

22 IT IS SO ORDERED.

23
24 Dated: **December 20, 2021**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE